



# Town of Atherton

Housing Policy Department  
Received on:

Town Administrative Offices  
91 Ashfield Road  
Atherton, California 94027  
650-752-0500  
Fax 650-688-6528

APR 03 2013

March 25, 2013

State of California  
Governor's Office of Planning and Research  
P. O. Box 3044  
Sacramento, CA 95812-3044

State of California  
Department of Housing and Community Development  
1800 Third Street  
Sacramento, CA 95811-6942

Enclosed please find the Annual Report for calendar year 2012 on the Status of the Atherton General Plan and Progress in its Implementation as required by California Government Code Section 65400. This report consists of the items listed below.

- Annual report to the Atherton City Council (legislative body) on the status of the Atherton General Plan and progress in its implementation.
- Annual Element Progress Report – Housing Element Implementation:  
January 1 – December 31, 2013 (Tables A, B & C)
- Analysis of Atherton General Plan with Adopted Office of Planning and Research Guidelines.

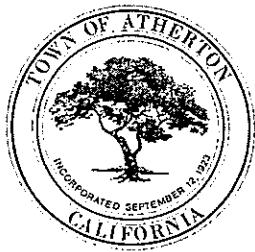
Please accept this report for filing.

Very truly yours,

A handwritten signature in black ink, appearing to read "Neal J. Martin".

Neal J. Martin, Town Planner

RECEIVED  
2013 MAR 29 PM 2:05  
DEPT OF HOUSING  
& COMM DEV  
DIV COMM AFFAIRS



Item No. \_\_\_\_\_

## CITY COUNCIL STAFF REPORT – CONSENT

**TO:** THE HONORABLE MAYOR AND CITY COUNCIL  
GEORGE RODERICKS, CITY MANAGER

**FROM:** NEAL J. MARTIN, TOWN PLANNER

**DATE:** MARCH 20, 2013

**SUBJECT:** 2012 ANNUAL REPORT TO THE CITY COUNCIL ON THE ATHERTON GENERAL PLAN IMPLEMENTATION

### **RECOMMENDATION**

Accept the Annual Report and authorize its transmittal to the California Governor's Office of Planning and Research and the California Department of Housing and Community Development pursuant to Section 65400 of the California Government Code (CGC).

### **BACKGROUND**

The State of California Government Code 65400 et seq require the preparation of an annual report to the local legislative body, the California Governor's Office of Planning and Research (OPR) and the California Department of Housing and Community Development (HCD) describing the following:

1. The status of the local general plan and progress in its implementation.
2. The progress in meeting its share of regional housing needs.
3. The degree to which the local general plan complies with the adopted OPR guidelines.
4. The date of the last revision to the local general plan.

### **2012 ANNUAL REPORT**

#### **Status of the Atherton General Plan and Progress in its Implementation**

The Atherton General Plan was updated in 2002 and adopted by the City Council on November 20, 2002. It contains Land Use, Circulation, Housing, Open and Conservation, Noise, and Community Safety Elements. The Housing Element Update 2007-14, which is the only element required to be reviewed by HCD, has been found to be "In compliance" with the HCD review criteria. The Atherton City Council adopted the Housing Element Update in accordance with State law on

August 18, 2010 by adopting Resolution No. 10-45.

Atherton is essentially built out in accordance with the policies stated in the General Plan. The Sphere of Influence as adopted by the San Mateo Local Agency Formation Commission is coterminous with the current City Limits. Essentially all of the existing parcels of land have been developed with land uses consistent with the General Plan. All of the streets and highways described in the General Plan are developed to their planned capacity. The entire infrastructure needed to serve the planned land uses and population is in place with sufficient capacity to accommodate the planned land uses and population.

### **Progress in meeting Atherton's Share of Regional Housing Needs**

CGC Section 65400(a)(2)B provides: "The housing element portion of the annual report ... shall be prepared through the use of forms and definitions adopted by the Department of Housing and Community Development ..." The tables provided in Attachment 1 describe the progress made in meeting Atherton's share of regional housing needs.

### **Degree to which the Atherton General Plan complies with the Adopted OPR Guidelines**

OPR adopted General Plan Guidelines in 2003 for use by local jurisdictions in the preparation of their general plans. The Guidelines are permissive, not mandatory and are quite extensive. Staff has prepared an analysis of the Atherton General Plan compared to the general criteria included in the Guidelines along with an evaluation of the degree to which the Atherton General Plan complies with the OPR Guidelines. That analysis is provided in Attachment 2. The analysis shows that the Atherton General Plan is in substantial compliance with the adopted OPR Guidelines with a few exceptions. During FY 2008-09 the City Council included funds in the City Budget to prepare amendments to the General Plan in order to achieve full compliance with the adopted OPR Guidelines. Those draft amendments were completed by Staff and were reviewed by the General Plan Committee prior to its dissolution. The General Plan Committee recommended their approval to the Planning Commission. The project has been placed "on hold" while the Pedestrian and Bike Master Plan is being developed, as that Master Plan will become a part of the General Plan Circulation Element. The Planning Commission is expected to hold a public hearing and consider the amendments, including the Pedestrian and Bike Master Plan, for recommendation to the City Council during 2013.

### **Date of the Last Revision to the Atherton General Plan**

The last revision to all elements except the Housing Element of the Atherton General Plan was adopted by the City Council on November 20, 2002. The Housing Element Update was adopted August 18, 2010.

### **FISCAL IMPACT**

All costs associated with this project are paid for by the Town of Atherton from the Contract Planner budget.

2012 Annual Report on General Plan Implementation

March 20, 2013

Page 3

Prepared by:



---

Neal J. Martin, Town Planner

Approved by:

---

George Rodericks, City Manager

**Attachments:**

1. Annual Housing Element Progress Report – Tables A – C
2. Analysis of Atherton General Plan with OPR Guidelines

**ANNUAL ELEMENT PROGRESS REPORT**  
**Housing Element Implementation**  
(CCR Title 25 §6202 )

Jurisdiction Atherton  
Reporting Period 1/1/2012 - 12/31/2012

Table A

**Annual Building Activity Report Summary - New Construction  
Very Low-, Low-, and Mixed-Income Multifamily Projects**

Project Identifier (may be APN No., project name or address)	Unit Category	Tenure R=Renter O=Owner	Affordability by Household Income			Units Demolished	Total Net Units per Project	Assistance Programs for Each Development	Housing with Financial Assistance and/or Deed Restrictions		Housing without Financial Assistance or Deed Restrictions
			Very Low- Income	Moderate- Income	Above Moderate- Income				5	5a	
<b>Housing Development Information</b>											
25 Nongate	SFD	O					1		1		
364 Fletcher	2nd DU	R	1						1		
75 Alejandra	SFD	O				1			1		
24 Adam	SFD	O				1			1		
150 Almendral	SFD	O				1			1		
70 Elena	SFD	O				1			1		
237 Atherton	SFD	O				1			1		
351 Walsh	SFD	O				1			1		
560 Middlefield	SFD	O				1			1		
24 Catalpa	SFD	O				1			1		
8 Barnett	SFD	O				1			1		
16 Adam	SFD	O				1			1		
35 Ralston	2nd DU	R	1						1		
396 Atherton	SFD	O				1			1		
302 Selby	SFD	O				1			1		
19 Prado Secoya	SFD	O				1			1		
150 Toyon	SFD	O				1			1		
46 Prado Secoya	SFD	O				1			1		
329 Fletcher	SFD	O				1			1		
94 Selby	SFD	O							1		(1)

Note below the number of units determined to be affordable without financial or deed restrictions and attach an explanation how the jurisdiction determined the units were affordable. Refer to instructions.

2nd Unit Survey

2nd Unit Survey

2nd Unit Survey

**ANNUAL ELEMENT PROGRESS REPORT**  
***Housing Element Implementation***  
(CCR Title 25 §6202 )

Jurisdiction	Atherton	1/1/2012	12/31/2012					
Reporting Period								
97 Euclid	SFD	0	1	1	0	(1)	1	1
362 Seiby	SFD	0	1	1	0	1	0	1
319 Walsh	SFD	0	1	1	0	1	1	1
231 Catalpa	SFD	0	1	1	0	1	1	1
231 Catalpa	2nd DU	R	1	1	0	1	1	1
58 Winchester	SFD	0	1	1	0	1	1	1
58 Winchester	2nd DU	R	1	1	0	1	1	1
98 Austin	SFD	0	1	1	0	1	1	1
91 Mandarin	SFD	0	1	1	0	1	1	1
91 Mandarin	2nd DU	R	1	1	0	1	1	1
81 Faxon	SFD	0	1	1	0	1	1	1
73 Amador	SFD	0	1	1	0	1	1	1
95 Stern	SFD	0	1	1	0	1	1	1
33 Emilie	SFD	0	1	1	0	1	1	1
38 Almondral	SFD	0	1	1	0	1	1	1
66 Barry	SFD	0	1	1	0	1	1	1
119 Atherton	SFD	0	1	1	0	1	1	1
38 Sutherland	SFD	0	1	1	0	1	1	1
248 Polhemus	SFD	0	1	1	0	1	1	1
53 Atherton	SFD	0	1	1	0	1	1	1
194 Atherton	2nd DU	R	1	1	0	1	1	1
184 Catalpa	SFD	0	1	1	0	1	1	1
184 Catalpa	2nd DU	R	1	1	0	1	1	1
99 Linden	SFD	0	1	1	0	1	1	1

**ANNUAL ELEMENT PROGRESS REPORT**  
***Housing Element Implementation***  
(CCR Title 25 §6202 )

Jurisdiction	Atherton	1/1/2012	12/31/2012					
(9) Total of Moderate and Above Moderate from Table A3	▲			0			28	
(10) Total by income Table A/A3	▲	7			28		28	35
(11) Total Extremely Low-Income Units*								

\* Note: These fields are voluntary

**ANNUAL ELEMENT PROGRESS REPORT**  
**Housing Element Implementation**  
 (CCR Title 25 §6202 )

Jurisdiction                            Atherton  
 Reporting Period                    1/1/2012 -                    12/31/2012

**Table A2**  
**Annual Building Activity Report Summary - Units Rehabilitated, Preserved and Acquired pursuant to GC Section 65583.1(c)(1)**

Please note: Units may only be credited to the table below when a jurisdiction has included a program if its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in GC Section 65583.1(c)(1)

Activity Type	Affordability by Household Income			(4) The Description should adequately document how each unit complies with subsection (c)(7) of Government Code Section 65583.1
	Extremely Low-Income*	Very Low-Income	Low-Income	
(1) Rehabilitation Activity	-	-	-	0
(2) Preservation of Units At-Risk	-	-	-	0
(3) Acquisition of Units	-	-	-	0
(5) Total Units by Income	0	0	0	0

\* Note: This field is voluntary

**Table A3**  
**Annual building Activity Report Summary for Above Moderate-Income Units**  
 (not including those units reported on Table A)

	1. Single Family	2. 2 - 4 Units	3. 5+ Units	4.	Second Unit	5. Mobile Homes	6. Total	7. Number of infill units*
No. of Units Permitted for Moderate							0	
No. of Units Permitted for Above Moderate	28						28	

\* Note: This field is voluntary

**ANNUAL ELEMENT PROGRESS REPORT**  
**Housing Element Implementation**  
(CCR Title 25 §6202 )

Jurisdiction Atherton  
Reporting Period 1/1/2012 - 12/31/2012

Table B

**Regional Housing Needs Allocation Progress**

**Permitted Units Issued by Affordability**

Enter Calendar Year starting with the first year of the RHNA allocation period. See Example.		2007	2008	2009	2010	2011	2012	2013	2014	Total Units to Date (all years)	Total Remaining RHNA by income Level
Income Level	RHNA Allocation by Income Level	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	
Very Low	Deed Restricted Non-deed restricted	19		1	(7)		5		7		6
Low	Deed Restricted Non-deed restricted	14									14
Moderate	Deed Restricted Non-deed restricted	16									16
Above Moderate		34	1	0	(4)	(4)	(2)	0			
Total RHNA by COG. Enter allocation number:		83	1	1	(11)	(4)	3	7		(3)	86
Remaining Need for RHNA Period		▲	▲	▲	▲	▲					

Note: units serving extremely low-income households are included in the very low-income permitted units totals.

**ANNUAL ELEMENT PROGRESS REPORT**  
**Housing Element Implementation**  
(CCR Title 25 §6202.)

Jurisdiction                    Atherton  
Reporting Period              1/1/2012 -            12/31/2012

**Table C**

**Program Implementation Status**

<b>Housing Programs Progress Report - Government Code Section 65583.</b>			
Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.			
<b>Name of Program</b>	<b>Objective</b>	<b>Timeframe in H.E.</b>	<b>Status of Program Implementation</b>
§3.811 Market Rate Housing Construction	5 New Above Market Units	2007-2014	No net new units constructed this year. Market has limited construction to reconstruct 1 unit for each demolished unit.
§3.812 a-d. Second Dwelling Unit Program including guest houses and internal living quarters	52-80 New Extremely Low to Moderate Income Units	2007-2014	12 Second Units constructed since 2007. Construction increased as a result of zoning ordinance changes.
§3.812 e. Faculty and Student Housing Program	27 New Faculty Units and 58 New Student Units in extremely low to moderate income ranges	2007-2014	Market failed to construct any faculty or student units during this year.
§3.813 a. Continue to facilitate and expedite the rehabilitation and conservation of existing units	On-going permit issuance	2007-2014	Over 50 permits issued this year for improvement, rehabilitation and conservation of existing units
§3.821 a. Amend Zoning Ordinance to specify that residential care facilities are permitted by right in the R-1A & R-1B Districts	Zoning Ordinance Amendment	6/30/2010	Zoning Ordinance was amended in 2009
§3.822 a. Continue to review new residential developments and major remodels for ADA compliance	On-going permit review	2007-2014	On-going program
§3824 a. Establish a zone per requirements of SB2 related to emergency shelters	Amend Zoning Ordinance to allow emergency shelters by right	6/30/2010	Zone established with zoning ordinance amendment in 2009
§3.824 b. Amend Zoning Ordinance to clarify that supportive and transitional housing are permitted by right in the residential districts	Zoning Ordinance Amendment	6/30/2010	Zoning Ordinance was amended in 2009
§3.831 b. Amend Zoning Ordinance to clarify that "manufactured housing" is permitted by right in the R-1A & R-1B Districts	Zoning Ordinance Amendment	6/30/2010	Zoning Ordinance was amended in 2009
§3.841 a. Shared Housing Program implemented by the Human Investment Program	Continued placement of renters with willing providers	2007-2014	One renter has been placed in one Atherton home. Address is confidential

**ANNUAL ELEMENT PROGRESS REPORT**  
***Housing Element Implementation***  
(CCR Title 25 §6202 )

Jurisdiction	Reporting Period	1/1/2012	12/31/2012
Atherton			
General Comments:			

**Analysis of Atherton General Plan (AGP) with Adopted Office of Planning and Research (OPR) Guidelines**  
 March 12, 2013

OPR Guideline Requirement (to the extent that it is relevant) <sup>1</sup>	Reference or Comment	Degree of Compliance
Contains all 7 mandatory elements	AGP contains Land Use, Circulation, Housing, Open Space and Conservation, Noise and Community Safety Elements.	Full
Plan is integrated and internally consistent	All elements include a section entitled "Relation to Other Elements" describing how each is integrated and internally consistent.	Full
<b>Land Use Element</b>		
Contains a Land Use Diagram in sufficient detail to describe land use proposals	AGP contains a Land Use Diagram with sufficient detail to describe land use proposals. Pg. LU-8	Full
Shows distribution of housing, business and industry	AGP Land Use Diagram shows proposed residential, parks, open spaces, public facilities and schools uses. Business and industry are not permitted in Atherton. Pg. LU-8	Full
Distribution of open space including agriculture	AGP Land Use Diagram shows proposed open space uses. There is no agricultural land in Atherton. Pg. LU-8	Full
Distribution of mineral resources	There are no mineral resources in Atherton.	N/A
Distribution of recreation facilities and opportunities	AGP Land Use Diagram, pg. LU-8, the Land Use Element text, pg. LU-4-5, and the Open Space and Conservation Element, pg. OS-70-72 describe the distribution of recreation facilities and opportunities.	Full
Location of education facilities	AGP Land Use Diagram, pg. LU-8, the Land Use Element text, pg. LU-6 describe the	Full

<sup>1</sup> Language from the OPR Guidelines.

Location of public buildings and grounds	location of education facilities.	Full
Location of solid and liquid waste facilities	AGP Land Use Diagram, pg. LU-8, the Land Use Element text, pg. LU-5-7 describe the location of public buildings and grounds.  The Land Use Element text, pg. LU-6-7 describes the location of solid and liquid waste facilities.	Full
Identification of areas subject to flooding	The Land Use Element text, pg. LU-7 identifies areas subject to flooding.	Full
Identification of Timber Preserve Zone lands	There are no Timber Preserve Zone lands in Atherton.	N/A
Contains standards for population intensity and building intensity	The Land Use Element text, pg. LU-2-3 contains standards for population intensity and building intensity.	Full
<b>Circulation Element</b>		
Contains definitions and descriptions of:		
Major thoroughfares	The Circulation Plan Diagram, pg. LU-8 and the Circulation Element text, pg. CI-9-11 define and describe major thoroughfares; freeways, highways, minor arterials, collectors, local streets and street standards.	Full
Transportation routes	The Circulation Plan Diagram, pg. LU-8 and the Circulation Element text, pg. CI-9-15 defines and describes transportation routes.	Full
Terminals	The Circulation Element text, pg. LU-13, defines and describes the local rail terminals.	Full
Other local public utilities and facilities including railroads, airports and parking.	The Circulation Element text, pg. CI-12-15 defines and describes scenic roadways, transit and rail traffic, bicycle and pedestrian facilities. There are no airports close to Atherton.	Full
<b>Housing Element</b>		
See Attachment 1		

<b>Open Space and Conservation Element</b>	The Conservation Element should address water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources.	There are no rivers, harbors, fisheries or commercial mineral resources in Atherton. The AGP Open Space and Conservation Element text, pg. OS-71 addresses protection of scenic resources, significant stands of natural vegetation, wildlife habitat, sensitive environmental resources (e.g. streambeds), and archaeological resources.	Full
<b>Noise Element</b>	Issues to be addressed include:		
Major noise sources, both mobile and stationary program	AGP Noise Element text, pg. N73-75 describes the major community noise sources.	Full	
Existing and projected levels of noise and noise contours for major noise sources	AGP Noise Element diagram, pg. N-80 provides existing and projected noise contours for major noise sources.	Full	
Existing and projected land uses and locational relationship to existing and projected noise sources	AGP Noise Element text, pg. N73-75 describes the existing and projected land uses and locational relationship to existing and projected noise sources.	Full	
Existing and proposed sensitive receptors, including hospitals, Existing and proposed sensitive receptors are	Existing and proposed sensitive receptors are	Not in	

convalescent homes, schools, churches and sensitive wildlife habitat	not addressed in the AGP Noise Element	Compliance
The extent of “noise problems in the community”	AGP Noise Element text, pg. N73-75 describes the extent of ‘noise problems in the community’	Full
Method of noise attenuation	AGP Noise Element text, pg. N76-78 describes noise mitigation measures.	Full
Implementation measures and possible solutions that address existing and foreseeable noise problems	AGP Noise Element text, pg. N76-78 describes implementation measures and possible solutions that address existing and foreseeable noise problems	Full
<b>Community Safety</b>		
Issues to be addressed include:		
Seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure	AGP Community Safety Element text, pg. CS-82 addresses seismically induced surface faulting, ground shaking, ground failure and water waves (seiche). Tsunami is not a hazard in Atherton since the Town does not border on the Bay or Ocean. Dam failure is not addressed.	Substantial
Slope instability leading to mudslides and landslides	Slope instability is not addressed in the AGP Community Safety Element.	Not in compliance
Subsidence, liquefaction, and other seismic hazards identified on seismic hazard maps	Neither subsidence nor liquefaction is addressed in the AGP Community Safety Element.	Not in compliance
Flooding	There are no flood zones in Atherton	N/A
Wildland and urban fires	AGP Community Safety Element text, pg. CS-81 addresses major fire incidents.	Full
Evacuation routes and signage	AGP Community Safety Element text, pg. CS-82-83 addresses evacuation routes. Route signage is not addressed.	Partial
Peak load water supply requirements	AGP Community Safety Element text, pg. CS-81 addresses peak load water supply	Full

Minimum road widths and turnouts	AGP Circulation Element text, pg. CI-12 addresses minimum road widths.	Full
Clearances around structures	Clearances around structures are not addressed in the AGP Community Safety Element.	Not in compliance